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January 29, 2024

**VIA PACER**

Honorable Miroslav Lovric, U.S.M.J.  
Federal Building and U.S. Courthouse  
15 Henry Street  
Binghamton, NY 13901

**Re: Honeywell International Inc. v. Buckeye Partners, L.P. et al.  
No. 5:18-cv-00646-FJS-ML (*consolidated*)**

Dear Judge Lovric,

This firm represents Defendants ETC Sunoco Holdings LLC and Energy Transfer (R&M), LLC (collectively, “Sunoco”) in the above-captioned consolidated litigation. This letter is submitted to the Court on behalf of Sunoco, as well as defendant CITGO Petroleum Corporation (“CITGO”).

The Plaintiff, Honeywell International Inc. (“Honeywell”), and Sunoco and CITGO are continuing to work diligently and cooperatively to respond to multiple sets of discovery requests, including recent requests to Sunoco from Honeywell. The parties have produced a substantial amount of discovery, and document production is continuing on a rolling basis. Thus far, more than 60,000 documents, containing more than 1.8 million pages, have been produced. The discovery produced so far (and still to be produced) consists in large part of decades of reports and correspondence relating to the investigation and remediation of Onondaga Lake and its subsites, including SYW-12, as well as reports of investigation and remediation at numerous industrial properties upland and adjacent to the Lake, and the petroleum bulk storage terminal properties.

The parties are also conferring regarding what appears to be many documents that are missing or have not been produced, such as environmental investigation reports and sample analysis and laboratory data that are critical documents for this litigation. In addition, to the extent that the Court grants Sunoco’s Motion to Compel Inspection of SYW-12 that is pending before

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the Court, the investigatory sampling at SYW-12 cannot occur until after March 1, 2024 due to conservation restrictions to access the property. Such sampling may also be delayed beyond March 1 by physical access authorizations and limitations. Furthermore, laboratory analysis of SYW-12 samples requires significant time, which analyses must then be evaluated and interpreted by experts. Under the current case management schedule, this information would not be available to any of the parties during the time in which expert reports must be produced.

Given the large volume of complex documents produced to date, the historic age and paper format of a significant number of the relevant records, the further document productions that remain ongoing, and the complexity of the scientific analysis required to present the parties' claims and defenses, more time is necessary for the experts to review and analyze the documents, scientific data, and laboratory reports that have been produced and will be produced in the upcoming months, and from the proposed SYW-12 sampling. Analysis of this information is critical to understanding the nature of contamination, the parties' liability therefor, and any allocation of liability among parties.

Pursuant to Your Honor's Text Order dated April 21, 2023 [Dkt. # 352], the following deadlines are currently in place:

February 8, 2024 – Honeywell serves its Affirmative Expert Reports.

April 8, 2024 – Buckeye, CITGO, and Sunoco serve their Responsive Expert Reports; Buckeye serves its Affirmative Expert Reports for First and Second Third Party complaints.

May 8, 2024 – First and Second Third Parties serve their Responsive Expert Reports; Honeywell serves its Rebuttal Expert Reports.

June 6, 2024 – Buckeye serves its Rebuttal Expert Reports for First and Second Third-Party complaints.

July 11, 2024 – Close of All Discovery (Fact and Expert).

August 22, 2024 – Motions (if any)

For all of the foregoing reasons, we are requesting an approximate six-month extension to the current case management schedule, as set forth below.

August 9, 2024 – Honeywell serves its Affirmative Expert Reports.

October 9, 2024 – Buckeye, CITGO, and Sunoco serve their Responsive Expert Reports; Buckeye serves its Affirmative Expert Reports for First and Second Third Party complaints.

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November 8, 2024 – First and Second Third Parties serve their Responsive Expert Reports; Honeywell serves its Rebuttal Expert Reports.

December 6, 2024 –Buckeye serves its Rebuttal Expert Reports for First and Second Third-Party complaints.

January 10, 2025 – Close of All Discovery (Fact and Expert).

February 14, 2025 – Motions (if any)

Honeywell has been consulted with regard to this request, and does not oppose it. We thank you in advance for your time and consideration.

Very truly yours,



John J. McAleese, III

JJM:nm

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**EXHIBIT A**

**Subpoena and Work Plan**